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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/730,089

12/09/2003

Toshiharu Aoyama

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POSZ LAW GROUP, PLC  
12040 SOUTH LAKES DRIVE  
SUITE 101  
RESTON, VA 20191

EXAMINER

GRAHAM, GARY K

ART UNIT

PAPER NUMBER

1744

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/05/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/730,089	<b>Applicant(s)</b> AOYAMA ET AL.	
	<b>Examiner</b> Gary K. Graham	<b>Art Unit</b> 1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11, 12, 14-16 and 19-26 is/are rejected.
- 7) ☒ Claim(s) 10, 13, 17 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>20031209, 20060420, 20070103</u> . | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Beneteau (French patent 2,594,765).

The patent to Beneteau discloses the invention as is claimed. Beneteau discloses a wiper blade (fig.1) comprising a blade rubber (5) having grooves in lateral sides thereof that receive backing plates (6). A holder (1) for rotatable connection to a wiper arm detachably holds the blade rubber and has a resilient fin (8) attached thereto by connectors (9).

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-4, 11, 12, 14, 15 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mueller (German patent 10036122) in view of De Block (US patent 6,836,926).

The patent to Mueller discloses the invention substantially as is claimed, including a wiper blade (fig. 1a) for rotatable connection to a wiper arm via pin (13). A blade rubber (2) with secondary grooves (5) in opposed lateral sides thereof is supported by a backing plate (1) at an upper surface thereof. A holder (4) provided in the longitudinal center of the blade includes a pair of claws (fig.6) for engaging the backing plate and rubber. A pair of resilient fins (7) are connected with the holder, engage the backing plate (fig.9) and extend to and cover each end of the blade. Engagement of the fins with the holder is achieved by an engaging protrusion (9, fig.8) of the holder engaged with a hole (defined behind protrusion 8) in the fin in a direction perpendicular to the wiping surface.

The patent to Mueller discloses all of the above recited subject matter with the exception of there being two backing plates received in primary grooves in the connecting body of the blade rubber instead of a single backing plate on an upper surface.

The patent to De Block discloses that in wiper blades, supporting structure can take the form of a single backing plate (12, fig.4) provided upon an upper surface of the blade rubber or the form of a pair of backing plates (42,44, fig.5) received within grooves in the connecting body of the blade rubber.

It would have been obvious to one of skill in the art to provide the supporting structure of the wiper blade of Mueller as a pair of backing plates in primary grooves in the connecting body instead of a single backing plate, as clearly suggested by De Block, to both reduce the amount of backing plate material needed and as an art recognized equivalent form of the supporting structure. De Block suggests that either form can be used with wiper blades. Provision of such grooves with split backing plates will define a connecting body as is claimed.

Claims 5-9, 20-24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mueller (German patent 10036122) in view of De Block (US patent 6,836,926) as applied to claims 1-4 above, and further in view of Bauer et al (German patent 3,339,414).

The patents to Mueller and De Block disclose all of the above recited subject matter with the exception of the blade rubber including a holding portion in the form of a sloped portion in the secondary grooves for engagement with the holder to limit movement thereof and of the holder having two pairs of claws.

The patent to Bauer discloses a wiper blade (10) that includes sloped holding portions (38, fig.1,3,4,7) within the secondary grooves (35) of the blade rubber (17) for engagement with the claws (15/16, 51/16) of the holder (13) to limit longitudinal movement of the holder. Note that in the figure 7 embodiment, numerous holding portions are provided for each holder.

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It would have been obvious to one of skill in the art to provide the modified blade of Mueller with either one or multiple sloped holding portions within the secondary grooves of the blade rubber for engagement with the claws of the holder, as clearly suggested by Bauer, to limit longitudinal movement of the holder with respect to the blade rubber.

With respect to claims 9 and 24, while Mueller discloses a single pair of claws that extend along the length of the holder, to modify such that there are two pair of spaced claws would have been obvious to one of skill in the art to reduce the amount of required material for the holder. Whether there is one continuous long claw or two spaced claws appear as obvious variations of one another.

Claims 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mueller (German patent 10036122) in view of De Block (US patent 6,836,926) as applied to claim 1 above, and further in view of Breesch (German patent 10057253).

The patents to Mueller and De Block disclose all of the above recited subject matter with the exception of a cover portion or holding member longitudinally extending to cover opposed lateral walls of the holder and connected between the fin sections.

The patent to Breesch discloses a cover portion (60, fig.5) that covers opposed lateral walls of the holder (36), engages with the plates (42) and is connected between the fin sections (52, figs.2,7).

It would have been obvious to one of skill in the art to provide the modified wiper blade of Mueller with a cover portion, as clearly suggested by Breesch, to protect the holder and provide a more attractive, aerodynamic wiper blade assembly.

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With respect to claim 19, a cover portion so provided will act as a resilient holding member which at least partially overlaps with the holder and which detachably holds the blade rubber via the backing plates.

*Allowable Subject Matter*

Claims 10, 13, 17 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary K. Graham whose telephone number is 571-272-1274. The examiner can normally be reached on Tuesday to Friday (6:30-4:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys J. Corcoran can be reached on 571-272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gary K Graham  
Primary Examiner  
Art Unit 1744

GKG  
30 March 2007